

## REMARKS

This Amendment responds to the Office Action mailed on June 14, 2004. Claims 1 and 15 have been cancelled. Claims 2, 3, 6, 16 and 19 have been amended. New claims 26-29 have been added. Claims 2-14 and 16-29 are pending.

In the Office Action, claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,130,158 ("Gabehart"). Applicants respectfully submit that the claim rejections set forth in the Office Action are improper because they do not take into account the limitations set forth in the claims. The Office Action makes no attempt to show correspondence between the specific language of the claims and the cited Gabehart reference. Rather, the Office Action merely recites some of the elements from some of the claims, and provides reference numbers from the Gabehart reference with no explanation of their relevance to the claims. This type of cursory rejection is not specific enough for the Applicants to fairly rebut. The Applicants are forced to guess at the reasons for the rejections and the relevance of the recited structure. Thus, the claim rejections set forth in the Office Action fail to satisfy 37 C.F.R. Section 1.104(b) *Completeness of Examiner's Action* which states "the examiner's action will be complete as to all matters..." *See also*, MPEP 2131.01 ("To anticipate a claim, the reference must teach every element of the claim.") Applicants submit that these rejections are therefore improper and must be withdrawn.

Despite the clearly improper claim rejections set forth in the Office Action, claims 1 and 15 have been cancelled and claims 2, 3, 6, 16 and 19 have been amended in an attempt to expedite prosecution of this application. Claims 3 and 16 have been rewritten in independent form, including all of the limitations of their respective base claims. Claims 2, 6 and 19 have been amended to depend from amended claims 3 or 16.

Independent claim 3 is patentably distinct from the Gabehart reference because, among other distinctions, the Gabehart reference does not disclose, teach, suggest or motivate a soft-disconnect switch

that is opened or closed in order to establish a USB charge configuration for the charging subsystem. As described in the "Detailed Description," the soft-disconnect switch operates to reset (disconnect and reconnect) the connection between the processing device and the USB data lines, resulting in the mobile communication device detecting a new connection to the USB interface and thus receiving a new power allocation from the USB host. (See, Detailed Description, page 11, line 9 - page 12, line 3.) The allotted power from the USB host is used to establish the USB charge configuration for the charging subsystem. (See, Id.) The cited Gabehart reference does not disclose a soft-disconnect switch, nor does it disclose any operation to establish a USB charge configuration. Rather, the Gabehart reference merely describes a battery charging apparatus that swaps between charging from an "integral power node" on a USB line and an "external power node," depending upon whether power is available on the "external power node." (See, Gabehart, column 2, line 25 - column 3, line 20.) Applicants therefore contend that independent claim 3 is patentable over the Gabehart reference and is in condition for allowance. In addition, claims 2 and 4-14 each ultimately depend from claim 3, and are thus also in condition for allowance.

Similarly, independent claims 16 and 21 are patentably distinct from the Gabehart reference because, among other distinctions, the Gabehart reference does not disclose, teach, suggest or motivate a method of charging a rechargeable battery that includes the steps of receiving a charge configuration and signaling/applying the charge configuration to a charging subsystem. As noted above, the Gabehart reference does not describe any process for obtaining a charge configuration from the USB host. Rather, the charging system described in the Gabehart reference simply sets a charging limit to a pre-determined maximum current, without regard for any configuration information from the USB host. (See, Gabehart, column 3, lines 41-49.) For at least this reason, Applicants contend that independent claims 16 and 21 are patentably distinct from the Gabehart reference, and are in condition for allowance. Claims 17-20 and 22-25 each depend from one of claims 16 or 21, and are thus also in condition for allowance.

In addition, new claims 26-29 have been added for consideration. It is believed that all of these claims are patentable over the cited prior art. New independent claim 26 recites a means for requesting a

power allotment from a USB host device that is used to charge a rechargeable battery in a mobile communication device. Claim 26 further recites a means for determining if the power allotment received from the USB host device is less than a requested value, and if the power allotment is less than the requested value then resetting a USB connection between the mobile communication device and the USB host device in order to receive a new power allotment from the USB host device. The cited references, either alone or in combination, do not describe or make obvious any system or method for requesting a power allotment from a USB host device or for resetting a USB connection to receive a new power allotment. Applicants therefore contend that new claims 26-29 are also in condition for allowance.

For the foregoing reasons, Applicants respectfully submit that claims 2-14 and 15-25 are in condition for allowance. The Examiner is, therefore, respectfully requested to enter this Amendment and pass this case to issue.

Respectfully submitted,

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